

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

FREDERICK H. BANKS; VAMPIRE)
NATION; HEXAGON LLC.; HEXAGON)
RECORDS,)

Plaintiffs,)

vs.)

3311 EAST CARSON STREET; PAUL)
HULL; BRENDAN T. CONWAY;)
MARY BETH BUCHANAN;)
TIMOTHY PIVNICHNY; JOHN DOE;)
ERIC STROM; DAVID ANDERCHAK;)
JOHN WISNIEWSKI; CYNTHIA)
REED EDDY; TORSTEN OVE;)
JOHNSON & EDDY; PITTSBURGH)
POST GAZETTE; U.S. POST OFFICE;)
DEPARTMENT OF JUSTICE;)
UNITED STATES OF AMERICA;)
THOMAS M. HARDIMAN; DAVID)
CHOBIT; J. SNYDER; 950 SECOND)
AVENUE; COUNTY OF ALLEGHENY,)
PENNSYLVANIA; RAMON RUSTIN;)
CALVIN LIGHTFOOT; FRED)
ROSMAYER; ROCKY FOWLER;)
MARY C. RUBIN; HEENE;)
ALBERT DEVLIN; and DAN)
ONORATO,)

Defendants.)

Civil Action No. 04-1771

Judge Gary L. Lancaster

Magistrate Judge Amy Reynolds Hay

ORDER

AND NOW, this 25th day of June, 2006, after the plaintiffs,

Frederick H. Banks, Vampire Nation, Hexagon LLC, and Hexagon Records, filed an action in the above-captioned case, and after a Motion for Summary Judgment was submitted by the Paul Hull, Brendan T. Conway, Mary Beth Buchanan, Department of Justice, United States of

America, Timothy Pivnichy, Eric Strom, David Anderchak, John Wisniewski, United States Post Office, Judge Thomas M. Hardiman, David Chobot and John Snyder (hereinafter the "Federal Defendants"), and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and upon consideration of the objections filed by plaintiff and the response thereto filed by the Federal Defendants, and upon independent review of the motion and the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the Federal Defendants' Motion for Summary Judgment [Docket No. 67] is GRANTED and the case is dismissed as against all Federal Defendants.

IT IS FURTHER ORDERED that plaintiffs' Cross-Motion for Summary Judgment [Docket No. 72] be DENIED.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the plaintiff/defendant desires to appeal from this Order he/she must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.



GARY L. LANCASTER
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

cc: Frederick H. Banks
#05711-068
USP Canaan

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